

IN THE CIRCUIT COURT OF BENTON COUNTY, ARKANSAS
4TH DIVISION

KRISTEN H. SINCLAIR,
Personal Representative of
THE ESTATE OF RICKY LYNN SINCLAIR

PLAINTIFF

VS.

CASE NO. 04CV-23-2303

JENNIFER ANN POOLE and
MARY COCKRELL

DEFENDANTS

MOTION FOR CONTINUANCE

Kristen H. Sinclair, Plaintiff and Administrator of the Estate of Ricky Lynn Sinclair submits this motion for continuance:

1. The trial of this matter is currently scheduled for April 29 & 30, 2024. Pursuant to Ark. R. Civ. P. 40, Petitioner requests the Court to continue this matter to a later date.

2. The centerpiece of this matter is the competence of the Decedent during the time he executed his contested Last Will and Testament (“Will”) and other financial instruments in December, 2022.

3. Petitioner needs more time for discovery in this matter to avoid prejudice.

4. In August 2022 the Decedent was in a horrific motorcycle accident which resulted in severe head trauma, an extended stay in multiple hospitals, and being placed as a ward in a guardianship (Case No. 04PR-22-938). The damage was such that he was treated at six (6) different medical facilities, UAMS in Little Rock, Baptist Health, Mercy Medical Center, Cornerstone Health Care, the University of Kansas Medical Center, and St. Vincent’s in Little Rock.

5. As a result of the many treatment facilities, the Decedent’s medical files consist of more than 5,500 pages of medical records, which requires time for the Petitioner’s attorneys to

review and Petitioner's expert to analyze, create an opinion, and report.

6. In addition, two supposed takers under the contested Will, Jennifer Poole and Mary Cockrell, have been deposed leading to further requirements for discovery.

7. Finally, at least three of Petitioner's subpoenas duces tecum, have been objected to. The subpoena to Brent Johnson, the attorney who drafted the Decedent's contested Will, has resulted in a motion to quash having been filed in this Court, which will require a hearing to resolve. Further, counsel for Mr. Johnson has also indicated that they are objecting to a subpoena issued to Mr. Johnson for a deposition in this matter.

8. The medical records, opinions of medical professionals, and evidence surrounding the execution of the Decedent's Will are all essential to Petitioner's case.

9. More time is needed to resolve the outstanding discovery issues and for Petitioner to prepare her case once discovery is resolved.

10. This is Petitioner's first request for a continuance.

11. Counsel for the opposition has been consulted and objects to a continuance.

WHEREFORE, Petitioner Kristen H. Sinclair, daughter of the Decedent and Administrator of the Estate of Ricky Lynn Sinclair, prays the Court will authorize a continuance in this matter so she can complete her discovery and gather the evidence needed to litigate this matter.

Respectfully submitted,
Kristen H. Sinclair

By: /s/ William J. Changose
William J. Changose, 2015165
Attorney for the Petitioner
Natural State Law, PLLC
8201 Ranch Blvd., Ste. B-1
Little Rock, AR 72223
501-916-9848-office

855-415-8951-facsimile
william.changose@natstatelaw.com

Dustin A. Duke, Ark. Bar 2001242
Katie L. Freeman, Ark. Bar 2014199
AR Law Partners, PLLC 2405 N. Old Wire
Road Fayetteville, AR 72703 (479) 480-4900
dustin@arlawpartners.com
katie@arlawpartners.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been sent via the Court's electronic filing system, email, or US Postal Service mail to the following on this 5th day of March, 2024:

Blake Z. Brizzolara, ABA 2017229
MITCHELL, WILLIAMS, SELIG,
GATES & WOODYARD, P.L.L.C.
4206 South J.B. Hunt Drive,
Suite 200
Rogers, AR 72758
(479) 464-5656 Phone
bbrizzolara@mwlaw.com

/s/ William J. Changose
William J. Changose